



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 533 OF 2025
IN
CRIMINAL APPLICATION NO. 4846 OF 2024
IN
CRIMINAL APPEAL NO. 1064 OF 2024

Kishan Vithoba More

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. R.S. Banik, Advocate for applicant
Mrs. S.N. Deshmukh, A.P.P. for respondent - State
....

CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ
DATE : 11th FEBRUARY, 2025

PER COURT :

1. This is an application for relaxation of condition imposed while granting bail to the applicant, vide order dated 15th January, 2025 passed by this Court in Criminal Application, No. 4846 of 2024.

2. Issue notice to the respondent. Learned A.P.P. waives service of notice for the sole respondent – State.

3. Learned counsel for the applicant submits that while suspending the sentence of the applicant, this Court had granted him bail on furnishing P.R. bond in the sum of Rs.15,000/- with one surety in the like amount. He

submits that the applicant is unable to arrange the surety, and therefore, he could not come out of the jail, though this Court had granted him bail. He, therefore, prays that present application be allowed.

4. Application is opposed by learned A.P.P. She submits that considering the nature of offence, application be rejected.

5. There is no dispute that vide order dated 15th January, 2025 this Court had suspended the sentence of the applicant and granted him interim bail on executing P.R. bond in the sum of Rs.15,000/- with one surety in the like amount. Due to non-fulfillment of providing one surety, the applicant is unable to come out of the jail. Learned counsel for the applicant has rightly relied on the observation made by the Apex Court in Suo Moto Writ Petition (Criminal) No. 4 of 2021, dated 31st January, 2023, which read thus :-

“1) The Court which grants bail to an under trial prisoner/convict would be required to send a soft copy of the bail order by e-mail to the prisoner through the Jail Superintendent on the same day or the next day. The Jail Superintendent would be required to enter the date of grant of bail in the e-prisons software [or any other software which is being used by the Prison Department].

2) If the accused is not released within a period of 7 days from the date of grant of bail, it would be the duty of the Superintendent of Jail to inform the Secretary, DLSA who may depute para legal volunteer or jail visiting advocate to interact with the prisoner and assist the prisoner in all ways possible for his release.

3) NIC would make attempts to create necessary fields in the e-prison software so that the date of grant of bail and date of release

are entered by the Prison Department and in case the prisoner is not released within 7 days, then an automatic email can be sent to the Secretary, DLSA.

4) The Secretary, DLSA with a view to find out the economic condition of the accused, may take help of the Probation Officers or the Para Legal Volunteers to prepare a report on the socio-economic conditions of the inmate which may be placed before the concerned Court with a request to relax the condition (s) of bail/surety.

5) In cases where the under trial or convict requests that he can furnish bail bond or sureties once released, then in an appropriate case, the Court may consider granting temporary bail for a specified period to the accused so that he can furnish bail bond or sureties.

6) If the bail bonds are not furnished within one month from the date of grant bail, the concerned Court may suo moto take up the case and consider whether the conditions of bail require modification/ relaxation.

7) One of the reasons which delays the release of the accused/ convict is the insistence upon local surety. It is suggested that in such cases, the courts may not impose the condition of local surety.”

6. In view of above, we allow the application in terms of prayer clause (B). The applicant shall be released on bail on executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) before the concerned jail authority.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

SSD